



PATENT
Customer No. 22,852
Attorney Docket No. 01142.0236-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Anthony ORMEROD et al.) Group Art Unit: 1616
)
Application No.: 09/530,375) Examiner: K. George
)
Filed: July 7, 2000) Confirmation No.: 4066
)
For: SKIN PENETRATION)
ENHANCING COMPONENTS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicants acknowledge the allowance of claims 24, 25, 30, 31, 37-51, 55-60, and 64-66. They submit the following comments in response to the Examiner's Statement of Reasons for Allowance attached to the Notice of Allowance mailed March 9, 2005.

The Examiner states that "[t]he closest prior art of Francoeur et al. [EP 0 435 436] and Pitrof et al. [U.S. Patent No. 5,376,646] teaches a topical formulation comprising macrocyclic lactone antibiotic azithromycin and a permeation modulator and Pitrof et al. teaches a formulation comprising the immunosuppressive macrolide FK 506 and a permeation modulator." Applicants disagree and maintain their position that neither *Francoeur* nor *Pitrof* discloses a formulation comprising azithromycin or FK 506 and a permeation modulator which are present in relative

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amounts such that when a therapeutic amount is applied to the skin a minimal systemic effect is produced.

Please grant any extensions of time required to enter these Comments, and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.



By:

Michele L. Mayberry
Reg. No. 45,644

Dated: June 7, 2005